PA 14-37—HB 5338
Judiciary Committee

AN ACT CONCERNING THE ADMISSIBILITY OF RECORDS AND REPORTS OF CERTAIN EXPERT WITNESSES AS BUSINESS ENTRIES

SUMMARY: This act extends the same rules in civil cases concerning the admissibility of records or reports of in-state physicians and various other professionals to those of such out-of-state professionals. It does so by eliminating the requirement that, for the rules to apply, these professionals be licensed or certified in Connecticut. The act also extends the same rules to social workers and "mental health professionals" (which the act does not define).

Under existing law, the rules apply to physicians, dentists, chiropractors, naturopaths, physical therapists, podiatrists, psychologists, emergency medical technicians, optometrists, physician assistants, and advanced practice registered nurses. As noted below, certain provisions also apply to professional engineers and land surveyors.

Generally, the rules allow:

1. the provider's signed reports and bills for treatment to be introduced as business entry evidence in civil cases without calling the provider to testify;
2. the records and reports of such providers, professional engineers, and land surveyors to be admitted as business entry evidence in personal injury cases if the professional (a) died before trial or (b) is physically or mentally disabled and thus, no longer practicing; and
3. for purposes of the collateral source rule, the admission of evidence that (a) the provider accepted an amount less than his or her total bill or (b) an insurer paid less than the total bill.

The collateral source rule generally requires courts to reduce economic damage awards by the amount the claimant received from collateral sources (such as health insurance), less the amount paid to secure the collateral source benefit (such as the health insurance premium).

EFFECTIVE DATE: October 1, 2014, and applicable to all actions pending or filed on or after that date.

OLR Tracking: JO:RP:JKL:ro